

Notice of Allowability	Application No.	Applicant(s)	
	10/072,765	HUPPI, BRIAN	
	Examiner	Art Unit	
	RICARDO L. OSORIO	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/23/2006.
2. ☒ The allowed claim(s) is/are 1-4, 8, 11-18, 20-29, 31, 33-35, 37, 38, 41-58, and 61, now renumbered as 1-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>3/9/2006</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Fredrik Mollborn on March 10, 2006.

The application has been amended as follows:

CLAIMS

1. (Currently Amended) A computer mouse, comprising a housing and a rotary dial positioned **to take up a portion of the front of** ~~relative to~~ an external surface of the housing, the housing providing a platform for sliding the mouse along a surface in order to move a cursor or pointer on a display screen of a computer system, the rotary dial rotating around an axis in order to implement a control function in the computer system, the rotary dial rotating within a plane that is substantially parallel to the external surface of the housing, the rotary dial having an engageable face for allowing a user to facilitate rotation of the rotary dial, the engageable face being completely exposed to the user, **the mouse housing serving as a button of the computer mouse and providing a clicking action for performing an action with respect to the computer system, wherein the mouse housing has no separate mechanical buttons disposed thereon.**

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8. (Previously Presented) The computer mouse as recited in claim **7 1** wherein the engageable face is substantially parallel to the external surface of the housing.

12. (Currently Amended) A mouse for moving a cursor or pointer on a display screen, comprising:

a mouse housing; and

a disk coupled to the mouse housing and rotatable about an axis **that is normal to an external surface of the mouse housing**, the disk being configured to facilitate a control function on the display screen, **the disk being positioned to take up a portion of the front of an external surface of the mouse housing**, the disk having a touchable surface for rotating the disk about the axis, the touchable surface being completely accessible to a finger of the user such that the disk can be continuously rotated by a simple swirling motion of the finger, **wherein the mouse housing serves as a button of the computer mouse and provides a clicking action for performing an action with respect to a computer system, wherein the mouse housing has no separate mechanical buttons disposed thereon.**

19. Cancelled

20. (Currently Amended) A computer mouse, comprising:

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a mouse housing that provides a structure for moving the computer mouse along a surface and for gripping the mouse for movement thereof;

a position detection mechanism operatively supported by the mouse housing, the position detection mechanism being configured for tracking the position of the mouse as its moved along the surface;

a disk positioned relative to an external surface of the mouse housing, the disk being rotatably coupled to the mouse housing about an axis that is normal to the external surface of the mouse housing, **the disk being positioned to take up a portion of the front of an external surface of the housing,** the disk having a user input receiving surface for facilitating movements thereof about the axis, and

an encoder for monitoring the rotation of the disk about the axis

wherein the mouse housing serves as a button of the computer mouse and provides a clicking action for performing an action with respect to a computer system, wherein the mouse housing has no separate mechanical buttons disposed thereon.

32. Cancelled.

33. (Currently Amended) The computer mouse as recited in claim ~~32~~ **20** wherein the clicking action is actuated in a direction normal to the mouse housing.

59. Cancelled.

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60. Cancelled.

61. (Previously Presented) The mouse as recited in claim ~~32~~ 20 wherein the mouse housing includes a base coupled to a body, the base being configured to make moving contact with the surface when the computer mouse is moved by the user, the body being configured to pivot relative to the base in order to generate the clicking action, the body being pivotally coupled to the base via a pivot located towards the rear of the mouse, the pivot allowing the button body to swing forward between an unclicked position, placing the body away from the base, and a clicked position placing the body towards the base.

Allowable Subject Matter

2. Claims 1-4, 8, 11-18, 20-29, 31, 33-35, 37, 38, 41-58, and 61 are allowed.

The following is an examiner's statement of reasons for allowance: Claims 1-4, 8, 11-18, 20-29, 31, 33-35, 37, 38, 41-58, and 61 are allowed since certain key features of the claimed invention are not taught or fairly suggested by the prior art. In claim 1, "a rotary dial positioned to take up a portion of the front of an external surface of the housing, the rotary dial rotating within a plane that is substantially parallel to the external surface of the housing, the mouse housing serving as a button of the computer mouse and providing a clicking action for performing an action with respect to the computer system, wherein the mouse housing has no separate mechanical buttons disposed thereon". In claim 12, "a disk coupled to the mouse housing and rotatable about an axis that is normal to an external surface of the mouse housing, the disk being positioned to take up a

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portion of the front of an external surface of the mouse housing, wherein the mouse housing serves as a button of the computer mouse and provides a clicking action for performing an action with respect to the computer system, wherein the mouse housing has no separate mechanical buttons disposed thereon". In claim 20, "the disk being rotatably coupled to the mouse housing about an axis that is normal to the external surface of the mouse housing, the disk being positioned to take up a portion of the front of an external surface of the housing, wherein the mouse housing serves as a button of the computer mouse and provides a clicking action for performing an action with respect to a computer system, wherein the mouse housing has no separate mechanical buttons disposed thereon". The closest prior art, Goldenberg et al. (6,636,197), and Chu (6,703,550) disclose a mouse housing having separate mechanical buttons disposed on the front of the external surface of the mouse housing, as conventionally known, and a disk, or rotary dial behind, or after, the mechanical buttons, however, singularly or in combination fail to anticipate or render the above underlined limitations obvious.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricardo L. Osorio whose telephone number is 571-272-7676. The examiner can normally be reached on Monday through Thursday from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala whose telephone number is 571-272-7681.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

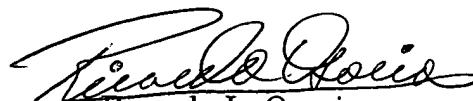
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Washington, D.C. 20231

or faxed to: 571-273-8300 (for Technology Center 2600 only)

Hand-delivered responses should be brought to the Customer Service Window at the Randolph Building, 401, Dulany Street, Alexandria, VA 22314.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ricardo L. Osorio
Primary Examiner
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RLO
March 15, 2006